



Sen. Antonio Munoz

**Filed: 3/14/2005**

09400SB2012sam001

LRB094 07579 RAS 42926 a

1 AMENDMENT TO SENATE BILL 2012

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2012 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Genetic Counselor Licensing Act is amended  
5 by changing Sections 10, 15, 20, 25, 30, 40, 50, 55, 60, 65,  
6 75, 85, 95, and 180 and by adding Section 73 as follows:

7 (225 ILCS 135/10)

8 (Section scheduled to be repealed on January 1, 2015)

9 Sec. 10. Definitions. As used in this Act:

10 "ABGC" means the American Board of Genetic Counseling.

11 "ABMG" means the American Board of Medical Genetics.

12 "Active candidate status" is awarded to applicants who have  
13 received approval from the ABGC or ABMG to sit for their  
14 respective certification examinations.

15 "Department" means the Department of Professional  
16 Regulation.

17 "Director" means the Director of Professional Regulation.

18 "Genetic anomaly" means a variation in an individual's DNA  
19 that has been shown to confer a genetically influenced disease  
20 or predisposition to a genetically influenced disease or makes  
21 a person a carrier of such variation. A "carrier" of a genetic  
22 anomaly means a person who may or may not have a predisposition  
23 or risk of incurring a genetically influenced condition and who  
24 is at risk of having offspring with a genetically influenced

1 condition.

2 "Genetic counseling" means the provision of services to  
3 individuals, couples, groups, families, and organizations by  
4 one or more appropriately trained individuals to address the  
5 physical and psychological issues associated with the  
6 occurrence or risk of occurrence or recurrence of a genetic  
7 disorder, birth defect, disease, or potentially inherited or  
8 genetically influenced condition in an individual or a family.

9 "Genetic counseling" consists of the following:

10 (A) Estimating the likelihood of occurrence or  
11 recurrence of a birth defect or of any potentially  
12 inherited or genetically influenced condition. This  
13 assessment may involve:

14 (i) obtaining and analyzing a complete health  
15 history of the person and his or her family;

16 (ii) reviewing pertinent medical records;

17 (iii) evaluating the risks from exposure to  
18 possible mutagens or teratogens;

19 (iv) recommending genetic testing or other  
20 evaluations to diagnose a condition or determine the  
21 carrier status of one or more family members;

22 (B) Helping the individual, family, health care  
23 provider, or health care professional (i) appreciate the  
24 medical, psychological and social implications of a  
25 disorder, including its features, variability, usual  
26 course and management options, (ii) learn how genetic  
27 factors contribute to the disorder and affect the chance  
28 for recurrence of the condition in other family members,  
29 and (iii) understand available options for coping with,  
30 preventing, or reducing the chance of occurrence or  
31 recurrence of a condition.

32 (C) Facilitating an individual's or family's (i)  
33 exploration of the perception of risk and burden associated  
34 with the disorder and (ii) adjustment and adaptation to the

1 condition or their genetic risk by addressing needs for  
2 psychological, social, and medical support.

3 "Genetic counselor" means a person licensed under this Act  
4 to engage in the practice of genetic counseling.

5 "Person" means an individual, association, partnership, or  
6 corporation.

7 "Qualified supervisor" means any person who is a licensed  
8 genetic counselor, as defined by rule, or a physician licensed  
9 to practice medicine in all its branches. A qualified  
10 supervisor may be provided at the applicant's place of work, or  
11 may be contracted by the applicant to provide supervision. The  
12 qualified supervisor shall file written documentation with ~~to~~  
13 the Department of employment, discharge, or supervisory  
14 control of a genetic counselor at the time of employment,  
15 discharge, or assumption of supervision of a genetic counselor.

16 "Supervision" means review of aspects of genetic  
17 counseling and case management in a bimonthly meeting with the  
18 person under supervision.

19 (Source: P.A. 93-1041, eff. 9-29-04.)

20 (225 ILCS 135/15)

21 (Section scheduled to be repealed on January 1, 2015)

22 Sec. 15. Exemptions.

23 (a) This Act does not prohibit any persons legally  
24 regulated in this State by any other Act from engaging in the  
25 practice for which they are authorized as long as they do not  
26 represent themselves by the title of "genetic counselor" or  
27 "licensed genetic counselor". This Act does not prohibit the  
28 practice of nonregulated professions whose practitioners are  
29 engaged in the delivery of human services as long as these  
30 practitioners do not represent themselves as or use the title  
31 of "genetic counselor" or "licensed genetic counselor".

32 (b) Nothing in this Act shall be construed to limit the  
33 activities and services of (i) a student, intern, resident, or

1 fellow in genetic counseling or genetics seeking to fulfill  
2 educational requirements in order to qualify for a license  
3 under this Act if these activities and services constitute a  
4 part of the student's supervised course of study or (ii) an  
5 individual seeking to fulfill the post-degree experience  
6 requirements in order to qualify for licensing under this Act,  
7 as long as the activities and services are supervised by a  
8 qualified supervisor. A student, intern, resident, or fellow  
9 must be designated by the title "intern", "resident", "fellow",  
10 or any other designation of trainee status. Nothing contained  
11 in this subsection shall be construed to permit students,  
12 interns, residents, or fellows to offer their services as  
13 genetic counselors or geneticists to any other person and to  
14 accept remuneration for such genetic counseling services,  
15 except as specifically provided in this subsection or  
16 subsection (c).

17 (c) Corporations, partnerships, and associations may  
18 employ students, interns, or post-degree candidates seeking to  
19 fulfill educational requirements or the professional  
20 experience requirements needed to qualify for a license under  
21 this Act if their activities and services constitute a part of  
22 the student's supervised course of study or post-degree  
23 professional experience requirements. Nothing in this  
24 subsection shall prohibit a corporation, partnership, or  
25 association from contracting with a licensed health care  
26 professional to provide services that they are licensed to  
27 provide.

28 (d) Nothing in this Act shall prevent the employment, by a  
29 genetic counselor, person, association, partnership, or  
30 corporation furnishing genetic counseling services for  
31 remuneration, of persons not licensed as genetic counselors  
32 under this Act to perform services in various capacities as  
33 needed, if these persons are not in any manner held out to the  
34 public or do not hold themselves out to the public by any title

1 or designation stating or implying that they are genetic  
2 counselors.

3 (e) Nothing in this Act shall be construed to limit the  
4 services of a person, not licensed under the provisions of this  
5 Act, in the employ of a federal, State, county, or municipal  
6 agency or other political subdivision or not-for-profit  
7 corporation providing human services if (i) the services are a  
8 part of the duties in his or her salaried position, (ii) the  
9 services are performed solely on behalf of his or her employer,  
10 and (iii) that person does not in any manner represent himself  
11 or herself as or use the title of "genetic counselor" or  
12 "licensed genetic counselor".

13 (f) Duly recognized members of any religious organization  
14 shall not be restricted from functioning in their ministerial  
15 capacity provided they do not represent themselves as being  
16 genetic counselors or as providing genetic counseling.

17 (g) Nothing in this Act shall be construed to require or  
18 prohibit any hospital, clinic, home health agency, hospice, or  
19 other entity that provides health care to employ or to contract  
20 with a person licensed under this Act to provide genetic  
21 counseling services.

22 (h) Nothing in this Act shall be construed to prevent any  
23 licensed social worker, licensed clinical social worker,  
24 licensed clinical psychologist, licensed professional  
25 counselor, or licensed clinical professional counselor from  
26 practicing professional counseling as long as that person is  
27 not in any manner held out to the public as a "genetic  
28 counselor" or "licensed genetic counselor" or does not hold out  
29 his or her services as being genetic counseling.

30 (i) Nothing in this Act shall be construed to limit the  
31 practice of a person not licensed under this Act who is a  
32 physician licensed to practice medicine in all of its branches  
33 under the Medical Practice Act of 1987 or intern, fellow, or  
34 resident from using the title "genetic counselor" or any other

1 title tending to indicate they are a genetic counselor.

2 (j) Nothing in the Act shall prohibit a visiting ABGC or  
3 ABMG certified genetic counselor from outside the State working  
4 as a consultant, or organizations from outside the State  
5 employing ABGC or ABMG certified genetic counselors providing  
6 occasional services, who are not licensed under this Act, from  
7 engaging in the practice of genetic counseling subject to the  
8 stated circumstances and limitations defined by rule.

9 (Source: P.A. 93-1041, eff. 9-29-04.)

10 (225 ILCS 135/20)

11 (Section scheduled to be repealed on January 1, 2015)

12 Sec. 20. Restrictions and limitations.

13 (a) Beginning 12 months after the adoption of the final  
14 administrative rules ~~on January 1, 2006~~, except as provided in  
15 Section 15, no person shall, without a valid license as a  
16 genetic counselor issued by the Department (i) in any manner  
17 hold himself or herself out to the public as a genetic  
18 counselor under this Act; (ii) use in connection with his or  
19 her name or place of business the title "genetic counselor",  
20 "licensed genetic counselor", "gene counselor", "genetic  
21 consultant", or "genetic associate" or any words, letters,  
22 abbreviations, or insignia indicating or implying a person has  
23 met the qualifications for or has the license issued under this  
24 Act; or (iii) offer to render or render to individuals,  
25 corporations, or the public genetic counseling services if the  
26 words "genetic counselor" or "licensed genetic counselor" are  
27 used to describe the person offering to render or rendering  
28 them, or "genetic counseling" is used to describe the services  
29 rendered or offered to be rendered.

30 (b) Beginning 12 months after the adoption of the final  
31 administrative rules ~~on January 1, 2006~~, no licensed genetic  
32 counselor may provide genetic counseling to individuals,  
33 couples, groups, or families without a written referral from a

1 physician licensed to practice medicine in all its branches, an  
2 advanced practice nurse who has a collaborative agreement with  
3 a collaborating physician that authorizes referrals to a  
4 genetic counselor, or a physician assistant who has been  
5 delegated authority to make referrals to genetic counselors.  
6 The physician, advanced practice nurse, or physician assistant  
7 shall maintain supervision of the patient and be provided  
8 written reports on the services provided by the licensed  
9 genetic counselor. Genetic testing shall be ordered by a  
10 physician licensed to practice medicine in all its branches.  
11 Genetic test reports shall be provided to the referring  
12 physician, advanced practice nurse, or physician assistant.  
13 General seminars or talks to groups or organizations on genetic  
14 counseling that do not include individual, couple, or family  
15 specific counseling may be conducted without a referral.

16 (c) Beginning 12 months after the adoption of the final  
17 administrative rules ~~on January 1, 2006~~, no association or  
18 partnership shall practice genetic counseling unless every  
19 member, partner, and employee of the association or partnership  
20 who practices genetic counseling or who renders genetic  
21 counseling services holds a valid license issued under this  
22 Act. No license shall be issued to a corporation, the stated  
23 purpose of which includes or which practices or which holds  
24 itself out as available to practice genetic counseling, unless  
25 it is organized under the Professional Service Corporation Act.

26 (d) Nothing in this Act shall be construed as permitting  
27 persons licensed as genetic counselors to engage in any manner  
28 in the practice of medicine in all its branches as defined by  
29 law in this State.

30 (e) Nothing in this Act shall be construed to authorize a  
31 licensed genetic counselor to diagnose, test, or treat any  
32 genetic or other disease or condition.

33 (f) When, in the course of providing genetic counseling  
34 services to any person, a genetic counselor licensed under this

1 Act finds any indication of a disease or condition that in his  
2 or her professional judgment requires professional service  
3 outside the scope of practice as defined in this Act, he or she  
4 shall refer that person to a physician licensed to practice  
5 medicine in all of its branches.

6 (Source: P.A. 93-1041, eff. 9-29-04.)

7 (225 ILCS 135/25)

8 (Section scheduled to be repealed on January 1, 2015)

9 Sec. 25. Unlicensed practice; violation; civil penalty.

10 (a) Beginning 12 months after the adoption of the final  
11 administrative rules ~~on January 1, 2006~~, any person who  
12 practices, offers to practice, attempts to practice, or holds  
13 himself or herself out to practice as a genetic counselor  
14 without being licensed or exempt under this Act shall, in  
15 addition to any other penalty provided by law, pay a civil  
16 penalty to the Department in an amount not to exceed \$5,000 for  
17 each offense, as determined by the Department. Civil penalty  
18 shall be assessed by the Department after a hearing is held in  
19 accordance with the provisions set forth in this Act regarding  
20 the provision of a hearing for the discipline of a licensee.

21 (b) The Department may investigate any actual, alleged, or  
22 suspected unlicensed activity.

23 (c) The civil penalty shall be paid within 60 days after  
24 the effective date of the order imposing the civil penalty. The  
25 order shall constitute a final judgment and may be filed and  
26 execution had thereon in the same manner as any judgment from  
27 any court of record.

28 (Source: P.A. 93-1041, eff. 9-29-04.)

29 (225 ILCS 135/30)

30 (Section scheduled to be repealed on January 1, 2015)

31 Sec. 30. Powers and duties of the Department. Subject to  
32 the provisions of this Act, the Department may:

1 (a) authorize examinations to ascertain the qualifications  
2 and fitness of applicants for licensing as genetic counselors  
3 and pass upon the qualifications of applicants for licensure by  
4 endorsement;

5 (b) conduct hearings on proceedings to refuse to issue or  
6 renew or to revoke licenses or suspend, place on probation,  
7 censure, or reprimand persons licensed under this Act, and to  
8 refuse to issue or renew or to revoke licenses, or suspend,  
9 place on probation, censure, or reprimand persons licensed  
10 under this Act;

11 (c) adopt rules necessary for the administration of this  
12 Act; and

13 (d) maintain rosters of the names and addresses of all  
14 licensees and all persons whose licenses have been suspended,  
15 revoked, or denied ~~renewal for cause within the previous~~  
16 ~~calendar year~~. These rosters shall be available upon written  
17 request and payment of the required fee.

18 (Source: P.A. 93-1041, eff. 9-29-04.)

19 (225 ILCS 135/40)

20 (Section scheduled to be repealed on January 1, 2015)

21 Sec. 40. Application for original license. Applications  
22 for original licenses shall be made to the Department on forms  
23 prescribed by the Department and accompanied by the required  
24 fee, which is not refundable. All applications shall contain  
25 such information that, in the judgment of the Department, will  
26 enable the Department to pass on the qualifications of the  
27 applicant for a license to practice as a genetic counselor.

28 If an applicant fails to obtain a license under this Act  
29 within 3 years after filing his or her application, the  
30 application shall be denied. The applicant may make a new  
31 application, which shall be accompanied by the required  
32 nonrefundable fee. The applicant shall be required to meet the  
33 qualifications required for licensure at the time of

1 reapplication.

2 (Source: P.A. 93-1041, eff. 9-29-04.)

3 (225 ILCS 135/50)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 50. Examination; ~~failure or refusal to take~~  
6 ~~examination.~~

7 (a) Applicants for genetic counseling licensure must  
8 provide evidence that they have successfully completed the  
9 certification examination provided by the ABGC or ABMG, if they  
10 are master's degree trained genetic counselors, or the ABMG, if  
11 they are PhD trained medical geneticists; or successfully  
12 completed the examination provided by the successor agencies of  
13 the ABGC or ABMG. The examinations shall be of a character to  
14 fairly test the competence and qualifications of the applicants  
15 to practice genetic counseling.

16 (b) (Blank). ~~If an applicant neglects, fails, or refuses~~  
17 ~~to take an examination or fails to pass an examination for a~~  
18 ~~license under this Act within 2 exam cycles after receiving a~~  
19 ~~temporary license, the application will be denied. However,~~  
20 ~~such applicant may thereafter make a new application for~~  
21 ~~license only if the applicant provides documentation of passing~~  
22 ~~the certification examination offered through the ABGC or ABMG~~  
23 ~~or their successor agencies and satisfies the requirements then~~  
24 ~~in existence for a license.~~

25 (Source: P.A. 93-1041, eff. 9-29-04.)

26 (225 ILCS 135/55)

27 (Section scheduled to be repealed on January 1, 2015)

28 Sec. 55. Qualifications for licensure. A person shall be  
29 qualified for licensure as a genetic counselor and the  
30 Department may ~~shall~~ issue a license if that person:

31 (1) has applied in writing in form and substance  
32 satisfactory to the Department; is at least 21 years of

1 age;

2 (2) has not engaged in conduct or activities which  
3 would constitute grounds for discipline under this Act;

4 (3) (i) has successfully completed a Master's degree in  
5 genetic counseling from an ABGC or ABMG accredited training  
6 program or an equivalent program approved by the ABGC or  
7 (ii) is a physician or (iii) has a doctoral degree and has  
8 successfully completed an ABMG accredited medical genetics  
9 training program or an equivalent program approved by the  
10 ABMG ~~has not violated any of the provisions of Sections 20~~  
11 ~~or 25 of this Act or the rules promulgated thereunder. The~~  
12 ~~Department may take into consideration any felony~~  
13 ~~conviction of the applicant but such conviction shall not~~  
14 ~~operate as an absolute bar to licensure;~~

15 (4) has successfully completed an examination provided  
16 by the ABGC or its successor, the ABMG or its successor, or  
17 a substantially equivalent examination approved by the  
18 Department; ~~provided documentation of the successful~~  
19 ~~completion of the certification examination and current~~  
20 ~~certification provided by the American Board of Genetic~~  
21 ~~Counseling or the American Board of Medical Genetics, or~~  
22 ~~their successor agencies; and~~

23 (5) has paid the fees required by rule; ~~this Act.~~

24 (6) has met the requirements for certification set  
25 forth by the ABGC or its successor or the ABMG or its  
26 successor; and

27 (7) has met any other requirements established by rule.

28 (Source: P.A. 93-1041, eff. 9-29-04.)

29 (225 ILCS 135/60)

30 (Section scheduled to be repealed on January 1, 2015)

31 Sec. 60. Temporary letter of authorization to practice  
32 licensure. Individuals who (i) have successfully completed an  
33 approved genetic counselor program, as determined by rule of

1 the Department, (ii) have made application to the Department,  
2 and (iii) have submitted evidence to the Department of  
3 admission to a certifying examination administered by the ABGC  
4 or its successor or the ABMG or its successor shall be issued a  
5 temporary letter of authorization that shall allow the  
6 applicant to practice as a genetic counselor until he or she  
7 receives certification from the ABGC or its successor or the  
8 ABMG or its successor or until 12 months have elapsed,  
9 whichever comes first.

10 Under no circumstances may an applicant continue to  
11 practice under the temporary letter of authorization after he  
12 or she receives notification that he or she has failed the  
13 examination. The temporary letter of authorization is not  
14 renewable.

15 ~~(a) A person shall be qualified for temporary licensure as~~  
16 ~~a genetic counselor and the Department shall issue a temporary~~  
17 ~~license if that person:~~

18 ~~(1) has successfully completed a Master's degree in~~  
19 ~~genetic counseling from an ABGC or ABMG accredited training~~  
20 ~~program or its equivalent as established by the ABGC or is~~  
21 ~~a physician or has a doctoral degree and has successfully~~  
22 ~~completed an ABMG accredited medical genetics training~~  
23 ~~program or its equivalent as established by the ABMG;~~

24 ~~(2) has submitted evidence to the Department of active~~  
25 ~~candidate status for the certifying examination~~  
26 ~~administered by the ABGC or the ABMG or their successor~~  
27 ~~agencies; and~~

28 ~~(3) has made application to the Department and paid the~~  
29 ~~required fees.~~

30 ~~(b) A temporary license shall allow the applicant to~~  
31 ~~practice under the supervision of a qualified supervisor until~~  
32 ~~he or she receives certification from the ABGC or the ABMG or~~  
33 ~~their successor agencies or 2 exam cycles have elapsed,~~  
34 ~~whichever comes first.~~

1       ~~(e) Under no circumstances shall an applicant continue to~~  
2 ~~practice on the temporary license for more than 30 days after~~  
3 ~~notification that he or she has not passed the examination~~  
4 ~~within 2 exam cycles after receiving the temporary license.~~  
5 ~~However, the applicant may thereafter make a new application to~~  
6 ~~the Department for a license satisfying the requirements then~~  
7 ~~in existence for a license.~~

8       (Source: P.A. 93-1041, eff. 9-29-04.)

9           (225 ILCS 135/65)

10          (Section scheduled to be repealed on January 1, 2015)

11          Sec. 65. Licenses; renewal; restoration; person in  
12 military service; inactive status.

13          (a) The expiration date and renewal period for each license  
14 issued under this Act shall be set by rule. As a condition of  
15 renewal of a license, a licensee must complete continuing  
16 education requirements established by rule of the Department  
17 ~~The licensee may renew a license during the 30 day period~~  
18 ~~preceding its expiration date by paying the required fee and~~  
19 ~~demonstrating compliance with continuing education~~  
20 ~~requirements established by rule.~~

21          (b) Any person who has permitted a license to expire or who  
22 has a license on inactive status may have it restored by  
23 submitting an application to the Department and filing proof of  
24 fitness, as defined by rule, to have the license restored,  
25 including, if appropriate, evidence which is satisfactory to  
26 the Department certifying the active practice of genetic  
27 counseling in another jurisdiction, and by paying the required  
28 fee.

29          (c) If the person has not maintained an active practice in  
30 another jurisdiction that is satisfactory to the Department,  
31 the Department shall determine the person's fitness to resume  
32 active status. The Department may also require the person to  
33 complete a specific period of evaluated genetic counseling work

1 experience under the supervision of a qualified ~~clinical~~  
2 supervisor and may require demonstration of completion of  
3 continuing education requirements.

4 (d) Any person whose license expired while on active duty  
5 with the armed forces of the United States, while called into  
6 service or training with the State Militia, or while in  
7 training or education under the supervision of the United  
8 States government prior to induction into military service may  
9 have his license restored without paying any renewal fees if,  
10 within 2 years after the termination of such service, training,  
11 or education, except under conditions other than honorable, the  
12 Department is furnished with satisfactory evidence that the  
13 person has been so engaged and that such service, training, or  
14 education has been so terminated.

15 (e) A license to practice shall not be denied any applicant  
16 because of the applicant's race, religion, creed, national  
17 origin, political beliefs or activities, age, sex, or physical  
18 impairment.

19 (Source: P.A. 93-1041, eff. 9-29-04.)

20 (225 ILCS 135/73 new)

21 (Section scheduled to be repealed on January 1, 2015)

22 Sec. 73. Inactive status. A person who notifies the  
23 Department in writing on forms prescribed by the Department may  
24 elect to place his or her license on inactive status and shall,  
25 subject to rule of the Department, be excused from payment of  
26 renewal fees until he or she notifies the Department, in  
27 writing, of his or her desire to resume active status.

28 A person requesting restoration from inactive status shall  
29 be required to pay the current renewal fee and shall be  
30 required to restore his or her license, pursuant to Section 65  
31 of this Act.

32 Practice by an individual whose license is on inactive  
33 status shall be considered to be the unlicensed practice of

1 genetic counseling and shall be grounds for discipline under  
2 this Act.

3 (225 ILCS 135/75)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 75. Fees; deposit of fees. The Department shall, by  
6 rule, establish a schedule of fees for the administration and  
7 enforcement of this Act, which shall include, but not be  
8 limited to, fees for original licensure, license renewal, and  
9 license restoration. These fees shall be nonrefundable.

10 All of the fees and fines collected under this Act shall be  
11 deposited into the General Professions Dedicated Fund. The  
12 moneys deposited into the General Professions Dedicated Fund  
13 shall be used by the Department, as appropriate, for the  
14 ordinary and contingent expenses of the Department. Moneys in  
15 the General Professions Dedicated Fund may be invested and  
16 reinvested, with all earnings received from these investments  
17 being deposited into that Fund and used for the same purposes  
18 as the fees and fines deposited in that Fund.

19 ~~The fees imposed under this Act shall be set by rule and are~~  
20 ~~not refundable. All of the fees collected under this Act shall~~  
21 ~~be deposited into the General Professions Dedicated Fund.~~

22 (Source: P.A. 93-1041, eff. 9-29-04.)

23 (225 ILCS 135/85)

24 (Section scheduled to be repealed on January 1, 2015)

25 Sec. 85. Endorsement. The Department may issue a license as  
26 a genetic counselor, without administering the required  
27 examination, to an applicant ~~currently~~ licensed under the laws  
28 of another state if the requirements for licensure in that  
29 state are, on the date of licensure, substantially equal to the  
30 requirements of this Act or to a person who, at the time of his  
31 or her application for licensure, possesses individual  
32 qualifications that are substantially equivalent to the

1 requirements in force in this State. An applicant under this  
2 Section shall pay all of the required fees.

3 An applicant shall have 3 years from the date of  
4 application to complete the application process. If the process  
5 has not been completed within the 3-year time period, the  
6 application shall be denied, the fee shall be forfeited, and  
7 the applicant shall be required to reapply and meet the  
8 requirements in effect at the time of reapplication ~~or United~~  
9 ~~States jurisdiction whose standards, in the opinion of the~~  
10 ~~Department, were substantially equivalent at the date of his or~~  
11 ~~her licensure in the other jurisdiction to the requirements of~~  
12 ~~this Act. Such an applicant shall pay all of the required fees.~~  
13 ~~Applicants have 6 months from the date of application to~~  
14 ~~complete the application process. If the process has not been~~  
15 ~~completed within 6 months, the application shall be denied, the~~  
16 ~~fee forfeited, and the applicant must reapply and meet the~~  
17 ~~requirements in effect at the time of reapplication.~~

18 (Source: P.A. 93-1041, eff. 9-29-04.)

19 (225 ILCS 135/95)

20 (Section scheduled to be repealed on January 1, 2015)

21 Sec. 95. Grounds for discipline.

22 (a) The Department may refuse to issue, renew, or may  
23 revoke, suspend, place on probation, reprimand, or take other  
24 disciplinary action as the Department deems appropriate,  
25 including the issuance of fines not to exceed \$1,000 for each  
26 violation, with regard to any license for any one or more of  
27 the following:

28 (1) Material misstatement in furnishing information to  
29 the Department or to any other State agency.

30 (2) Violations or negligent or intentional disregard  
31 of this Act, or any of its rules.

32 (3) Conviction of any crime under the laws of the  
33 United States or any state or territory thereof that is a

1 felony, a misdemeanor, an essential element of which is  
2 dishonesty, or a crime that is directly related to the  
3 practice of the profession.

4 (4) Making any misrepresentation for the purpose of  
5 obtaining a license, or violating any provision of this Act  
6 or its rules.

7 (5) Professional incompetence or gross negligence in  
8 the rendering of genetic counseling services.

9 (6) Gross or repeated negligence.

10 (7) Aiding or assisting another person in violating any  
11 provision of this Act or any rules.

12 (8) Failing to provide information within 60 days in  
13 response to a written request made by the Department.

14 (9) Engaging in dishonorable, unethical, or  
15 unprofessional conduct of a character likely to deceive,  
16 defraud, or harm the public and violating the rules of  
17 professional conduct adopted by the Department.

18 (10) Failing to maintain the confidentiality of any  
19 information received from a client, unless otherwise  
20 authorized or required by law.

21 (11) Exploiting a client for personal advantage,  
22 profit, or interest.

23 (12) Habitual or excessive use or addiction to alcohol,  
24 narcotics, stimulants, or any other chemical agent or drug  
25 which results in inability to practice with reasonable  
26 skill, judgment, or safety.

27 (13) Discipline by another jurisdiction, if at least  
28 one of the grounds for the discipline is the same or  
29 substantially equivalent to those set forth in this  
30 Section.

31 (14) Directly or indirectly giving to or receiving from  
32 any person, firm, corporation, partnership, or association  
33 any fee, commission, rebate, or other form of compensation  
34 for any professional service not actually rendered.

1           (15) A finding by the Department that the licensee,  
2 after having the license placed on probationary status has  
3 violated the terms of probation.

4           (16) Failing to refer a client to other health care  
5 professionals when the licensee is unable or unwilling to  
6 adequately support or serve the client.

7           (17) Willfully filing false reports relating to a  
8 licensee's practice, including but not limited to false  
9 records filed with federal or State agencies or  
10 departments.

11           (18) Willfully failing to report an instance of  
12 suspected child abuse or neglect as required by the Abused  
13 and Neglected Child Reporting Act.

14           (19) Being named as a perpetrator in an indicated  
15 report by the Department of Children and Family Services  
16 pursuant to the Abused and Neglected Child Reporting Act,  
17 and upon proof by clear and convincing evidence that the  
18 licensee has caused a child to be an abused child or  
19 neglected child as defined in the Abused and Neglected  
20 Child Reporting Act.

21           (20) Physical or mental disability, including  
22 deterioration through the aging process or loss of  
23 abilities and skills which results in the inability to  
24 practice the profession with reasonable judgment, skill,  
25 or safety.

26           (21) Solicitation of professional services by using  
27 false or misleading advertising.

28           (22) Failure to file a return, or to pay the tax,  
29 penalty of interest shown in a filed return, or to pay any  
30 final assessment of tax, penalty or interest, as required  
31 by any tax Act administered by the Illinois Department of  
32 Revenue or any successor agency or the Internal Revenue  
33 Service or any successor agency.

34           (23) A finding that licensure has been applied for or

1           obtained by fraudulent means.

2           (24) Practicing or attempting to practice under a name  
3           other than the full name as shown on the license or any  
4           other legally authorized name.

5           (25) Gross overcharging for professional services,  
6           including filing statements for collection of fees or  
7           monies for which services are not rendered.

8           (26) Providing genetic counseling services to  
9           individuals, couples, groups, or families without a  
10           written referral from either a physician licensed to  
11           practice medicine in all its branches, an advanced practice  
12           nurse who has a collaborative agreement with a  
13           collaborating physician that authorizes the advanced  
14           practice nurse to make referrals to a genetic counselor, or  
15           a physician assistant who has been delegated authority to  
16           make referrals to genetic counselors.

17           (b) The Department shall deny, without hearing, any  
18           application or renewal for a license under this Act to any  
19           person who has defaulted on an educational loan guaranteed by  
20           the Illinois State Assistance Commission; however, the  
21           Department may issue a license or renewal if the person in  
22           default has established a satisfactory repayment record as  
23           determined by the Illinois Student Assistance Commission.

24           (c) The determination by a court that a licensee is subject  
25           to involuntary admission or judicial admission as provided in  
26           the Mental Health and Developmental Disabilities Code will  
27           result in an automatic suspension of his or her license. The  
28           suspension will end upon a finding by a court that the licensee  
29           is no longer subject to involuntary admission or judicial  
30           admission, the issuance of an order so finding and discharging  
31           the patient, and the determination of the Director that the  
32           licensee be allowed to resume professional practice.

33           (Source: P.A. 93-1041, eff. 9-29-04.)

1 (225 ILCS 135/180)

2 (Section scheduled to be repealed on January 1, 2015)

3 Sec. 180. Administrative Procedure Act; application. The  
4 Illinois Administrative Procedure Act is hereby expressly  
5 adopted and incorporated in this Act as if all of the  
6 provisions of such Act were included in this Act, except that  
7 the provision of paragraph (d) of the Section 10-65 of the  
8 Illinois Administrative Procedure Act, which provides that at  
9 hearings the license holder has the right to show compliance  
10 with all lawful requirements for retention, continuation, or  
11 renewal of the certificate, is specifically excluded. For the  
12 purpose of this Act the notice required under Section 10-25 of  
13 the Illinois Administrative Procedure Act is deemed sufficient  
14 when mailed to the last known address of a party.

15 (Source: P.A. 93-1041, eff. 9-29-04.)

16 (225 ILCS 135/70 rep.)

17 Section 90. The Genetic Counselor Licensing Act is amended  
18 by repealing Section 70."